

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRIS K. BENNETT,

Plaintiff,

v.

WYATT HULL,

Defendant.

CASE NO. 3:21-cv-05858-RSM-BAT

**ORDER GRANTING MOTION TO
RECONSIDER, VACATING ORDER
GRANTING IFP, DIRECTING
AGENCY WITH CUSTODY OF
PLAINTIFF TO STOP
COLLECTION AND REPAYMENT,
AND DIRECTING CLERK TO
REFUND ANY FUNDS TAKEN
PURSUANT TO ORDER
GRANTING IFP**

Plaintiff Kris K. Bennett proceeds pro se in this 42 U.S.C. § 1983 civil rights action. On November 24, 2021, Plaintiff submitted a civil rights complaint, an application to proceed *in forma pauperis* (IFP) and letter indicating he was arranging to mail a check in the amount of \$402.00 to pay for the filing fee. Dkt. 1. On November 30, 2021, the Court granted Plaintiff's IFP application and ordered Plaintiff's prison to calculate and collect repayment of the filing fee. Dkt. 4. On December 8, 2021, Plaintiff submitted a letter stating he had mailed a check in the amount of \$402 to pay for the filing fee in this case, and the clerk returned it by confusing the check as

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related to a case Plaintiff withdrew in October 2021.

In the December letter, Plaintiff asked the Court to "stop the Motion to calculate and collect fees from this facility, Stafford Creek Corrections." *Id.* By order dated December 9, 2021, the Court denied Plaintiff's request on the grounds that the Court had not deposited the filing fee and thus the filing fee remained outstanding, and that Plaintiff faced the same financial impact whether he again mailed a check to pay the filing fee in this case, or whether the prison was directed to collect the filing fee pursuant to Court order granting IFP status. Dkt. 8.

On December 13, 2021, the Court received and accepted a check for the full amount of the filing fee (\$402). On December 17, 2021, Plaintiff filed a motion asking the Court to reconsider its December 9, 2021 order and to stop calculation and collection of the filing fee based on the order granting Plaintiff IFP status. Dkt. 9.

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As it appears the full filing fee has now been received by the Court, the Court hereby ORDERS:

(1) Plaintiff's motion, Dkt. 9, is GRANTED.

(2) The Court's order granting IFP status (Dkt. 4) is hereby VACATED. As Plaintiff has now paid the full filing fee in this case, **the agency having custody of the Plaintiff is directed to stop collection and repayment of the filing fee in this case and the Clerk is directed to refund to Plaintiff any funds taken pursuant to the Court's order granting IFP (Dkt. 4).**

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1 (3) The Clerk is directed to provide a copy of this order to the parties and to the Hon.
2 Ricardo S. Martinez.

3 DATED this 20th day of December, 2021.

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6 BRIAN A. TSUCHIDA
United States Magistrate Judge

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